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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,161	10/02/2001	Steven Wahlbin	5053-46912	9581

35690 7590 09/15/2006

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EXAMINER
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GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/970,161

Applicant(s)

WAHLBIN ET AL.

Examiner

Martin A. Gottschalk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 753,755-759,761-763,765-767,769,770,772-780,782-796,799-801 and 845-852 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are 753,755-759,761-763,765-767,769,770,772-780,782-796,799-801 and 845-852.

**DETAILED ACTION**

***Notice to Applicant***

1. Claims 753, 755-759, 761-763, 765-767, 769, 770, 772-780, 782-796, 799-801 and 845-852 are pending. Claims 753, 755, 756, 772, 774, 776, 777, 800, and 801 have been amended. Claims 845-852 are new. Claims 754, 760, 764, 768, 771, 781, 797, and 798 have been cancelled (claims 1-752 and 802-844 were previously cancelled).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 845-846 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 845 recites the limitation "the vehicle type". There is insufficient antecedent basis for this limitation in the claim. From context and for the purpose of examination, the Examiner will consider this phrase to read "the vehicle accident." Claim 846 depends from claim 845 and is thus indefinite as well.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 753, 755-759, 761-763, 765-767, 769, 770, 776-779, 786, 787, 794, 800, 801, 849, 850, and 852 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi (US Pat# 5,950,169) in view of Jernberg (US Pat# 6,336,096).

A. As per claim 753, Borghesi discloses a method, comprising:

providing claim data regarding a vehicle accident to a computer system via a graphical user interface (Borghesi: col 3, lns 5-11; col 4, ln 64 to col 5, ln 5);

providing data regarding at least one vehicle involved in the vehicle accident to the computer system via the graphical user interface (Borghesi: col 4, ln 64 to col 5, ln 5);

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providing an assessment of the vehicle accident to the computer system via the graphical user interface (Borghesi: col 4, ln 64 to col 5, ln 25),

and

storing the claim data regarding the vehicle accident, the data regarding at least one vehicle involved in the vehicle accident, and the assessment of the vehicle accident in a memory associated with the computer system (Borghesi: col 5, ln 26-35).

Borghesi fails to disclose the remaining features of the claim, however, these features are well known in the art as evidenced by the teachings of Jernberg who teaches

the assessment of the accident comprising an assessment of the liability of an insured party involved in the accident as a proportion of the total liability for the accident (Jernberg: col 3, lns 63-65);

displaying a consultation report via the graphical user interface, wherein displaying a consultation report comprises displaying the assessment of the liability of the insured party (Jernberg: col 6, lns 61-65; col 13, lns 44-47);

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It would have been obvious at the time of the invention to incorporate the teachings of Borghesi with those of Jernberg with the motivation of evaluating liability among multiple parties and their insurers (Jernberg: col 2, lns 25-28).

**Note:** In the claims that follow combining the teachings of Jernberg and Borghesi, the same motivation as provided above applies and will not be repeated.

B. As per claim 755, Borghesi discloses the method of claim 753, wherein the consultation report comprises

the claim data, the data regarding the at least one vehicle, and the assessment (Borghesi: col 4, ln 47 to col 5, ln 5).

C. As per claim 756, Borghesi discloses the method of claim 753, wherein the consultation report comprises

a range of liability for an insured party involved in the vehicle accident (Borghesi: col 9, lns 34-42, i.e. display of "inspection information" is a type of consultation report and range of liability reads on "policy information includes...type of coverage...deductible amount..."),

Borghesi fails to explicitly disclose

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wherein the liability is a proportion of the total liability for the accident.

However this feature is well known as evidenced by Jernberg: col 3, Ins 64-66.

D. As per claim 757, Borghesi discloses the method of claim 753, wherein the claim data comprises

policy data (Borghesi: col 9, Ins 34-42, reads on "policy information includes...type of coverage...deductible amount...").

E. As per claim 758, Borghesi discloses the method of claim 753, wherein the claim data comprises

policy data,

and

wherein the policy data comprises a claim number, a policy number, policy limits, or policy dates (Borghesi: col 9, Ins 34-42, reads on "policy information includes...type of coverage...deductible amount...").



F. As per claim 759, Borghesi discloses the method of claim 753, wherein the claim data comprises

information regarding parties involved in the vehicle accident (Borghesi: col 4, Ins 47-63; col 9, Ins 43-50).

G. As per claim 761, Borghesi discloses the method of claim 759, wherein the parties comprise

one or more witnesses (Borghesi: col 4, Ins 47-63; col 9, Ins 43-50).

H. As per claim 762, Borghesi discloses the method of claim 759, wherein the information regarding the parties involved in the vehicle accident comprises

a description of the vehicle accident provided by at least one of the parties (Borghesi: col 4, Ins 47-63, reads on "...statements from those at the scene..."; col 9, Ins 43-50).

I. As per claim 763, Borghesi discloses the method of claim 753, wherein the claim data comprises

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a location (Borghesi: col 4, Ins 47-63, reads on "...information that details the loss..." and "...statements from those at the scene..."), a date, and a time of the vehicle accident (Borghesi: col 9, Ins 47-50).

J. As per claim 765, Borghesi discloses the method of claim 753, wherein the claim data comprises

content of a police report regarding the vehicle accident (Borghesi: col 4, Ins 47-63. The Examiner notes that the claim information provided in the cited passage would closely mirror the content of an associated police report.)

K. As per claim 766, Borghesi discloses the method of claim 753, wherein the claim data comprises

whether there were injuries in the vehicle accident (Borghesi: col 2, 50-52).

L. As per claim 767, Borghesi discloses the method of claim 753, wherein the claim data comprises

a jurisdiction in which the vehicle accident occurred (Borghesi: col 4, Ins 47-63, reads on "...necessary information for field processing of insurance claims.").

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M. As per claim 769, Borghesi discloses the method of claim 753, wherein the claim data comprises

a number of vehicles involved in the vehicle accident (Borghesi: col 4, Ins 47-63, reads on "...necessary information for field processing of insurance claims.").

N. As per claim 770, Borghesi discloses the method of claim 753, wherein the data comprises

a type of the at least one vehicle involved in the vehicle accident (Borghesi: col 4, Ins 47-63, reads on "vehicle...year, make, model...").

O. As per claim 776, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

an impact point of the at least one vehicle involved in the vehicle accident wherein the impact point is selected by the user (Borghesi: col 12, Ins 29-36, reads on "damage location"; col 13, Ins 1-15), wherein the proportion of liability of the insured party is at least partially based on the impact point (Borghesi: col 13, 15-20, i.e. the total liability for the repair will depend on the cost of the impacted part, and a more expensive part will represent a higher proportion of liability.).

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P. As per claim 777, Borghesi discloses the method of claim 776, further comprising

displaying a symbolic representation of the impact point selected by the user

(Borghesi: col 12, lns 29-36, reads on "illustration").

Q. As per claim 778, Borghesi discloses the method of claim 776, wherein the impact point is selected from the group consisting of

right front corner,

right front fender (Borghesi: col 12, lns 59-67, reads on "...main parts groups such as...fender...". The Examiner notes that a parts group involving a fender would include all of a cars possible fenders which would include the right front fender.)

right middle,

right rear quarter-panel,

right rear corner,

rear middle,

left rear corner,

left rear quarter-panel,

left middle,

left front fender,

left front corner,

and

front middle.

R. As per claim 779, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

a description of the vehicle accident (Borghesi: col 4, lns 47-63, note "...statements from those at the scene...").

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S. As per claim 786, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

an assessment of a condition of the at least one vehicle involved in the accident (Borghesi: col 5, lns 11-15, reads on "damage estimate").

T. As per claim 787, Borghesi discloses the method of claim 786, wherein the condition comprises

defective equipment (Borghesi: col 5, lns 11-15, reads on "...repairs necessary to bring the vehicle back to its previous state.").

U. As per claim 794, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether the at least one vehicle involved in the vehicle accident was defective (Borghesi: col 5, lns 11-15, reads on "...repairs necessary to bring the vehicle back to its previous state.").

V. As per claims 800 and 801, they are system and computer-executable program instruction claims which repeat the same limitations of claims 753, the corresponding method claim, as a collection of elements and program instructions as opposed to a

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series of process steps. Since the teachings of Borghesi disclose the underlying process steps that constitute the methods of claims 753, it is respectfully submitted that they provide the underlying structural elements and program instructions that perform the steps as well. As such, the limitations of claims 800 and 801 are rejected for the same reasons given above for claims 753.

W. As per claim 849, Jernberg discloses the method of claim 753, wherein the assessment of liability of the insured party comprises

a base liability, and upper range a liability, and a lower range of liability  
(Jernberg: col 4, lns 5-11).

X. As per claim 850, Borghesi discloses the method of claim 753, further comprising

displaying a graphical representation of at least one vehicle and a plurality of impact points for the at least one vehicle, wherein the impact points are selectable by a user;

and

receiving a selection by a user of one or more of the impact points corresponding to the vehicle accident (for both steps, Borghesi: col 12, lns 14-36).

Y. As per claim 852, Borghesi fails to disclose the features of the claim, however this feature is well known by Jernberg who teaches the method of claim 753, wherein

the proportion is expressed as a percentage (Jernberg: col 4, lns 6-9).

6. Claims 772-775, 780, 782-785, 788-793 and 795, 796, 799, 845-847, and 851 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of Jernberg as applied to claim 753 and further in view of Hall (US Pat# 6,223,125).

A. As per claim 772, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a symbolic representation of an accident type (Hall: col 7, lns 52-58; col 16, lns 8-10; Fig 6), wherein the accident type is selected by a user (Hall: col 8, lns 51-58, i.e. the "Ambulance officials" select accidents of a certain type of severity), further comprising displaying the symbolic representation (Hall: col 8, ln 59 to col 9, ln 15, the OCR software creates a symbolic



representation of the license plate of a vehicle involved in the incident and displays it to the DMV).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Borghesi to include these limitations, as taught by Hall, with the motivation of providing documentation to help assess liability (Hall; col 5, lns 15-17) for claim settlement.

Note: For the remaining claim rejections, the motivation to combine the teachings of Borghesi, Jernberg and Hall is the same as provided here for claim 772, and is to be considered incorporated therein.

B. As per claim 773, Borghesi and Jernberg fail to disclose the method of claim 772, however this feature is taught by Hall who teaches

wherein the accident type is selected from the group consisting of

a rear ender (Hall: col 20, lns 54-59),

a left turn crossing traffic,

a left turn across traffic,

a left turn entering traffic,

a right turn entering traffic,

dual turns to same lane,

concurrent left turns,

a U-turn,

a parked vehicle merging into traffic from right,

a parked vehicle merging into traffic from left,

a merge from left, a merge from right,

concurrent merges to a single lane,

a collision with a parked vehicle,

a collision while backing,

a head on,

and

a straight cross traffic collision.

a roadway configuration (Hall: col 7, Ins 52-58).

C. As per claim 774 Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

method of claim 753, wherein the assessment of the vehicle accident comprises

a symbolic representation of a roadway configuration at a location of the vehicle accident, wherein the roadway configuration is selected by a user, further comprising displaying the symbolic representation (Hall: col 7, Ins 21-58, i.e. a user selects an intersection roadway configuration to implement the system, and the sensors set up to monitor the intersection form a type of symbolic representation of the intersection constructed from

the signals from the sensors. This representation is displayed to  
“designated authorities.”).

D. As per claim 775, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 774, wherein the roadway configuration is selected from the group consisting of

a two or more lane road,

a divided road with a median that can be crossed,

a four-way intersection,

a T-angle intersection,

a merging of one roadway into another (Hall: col 19, lns 8-16; Fig 19),

a curve,

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a parking lot with two-way traffic,

a parking lot with one way traffic,

a center turn lane,

and

a two or more lane road divided by a physical barrier.

E. As per claim 780, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

environmental conditions at a location of the vehicle accident (Hall: col 2, ln 66 to col 3, ln 9).

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F. As per claim 782, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a condition of a driver of the at least one vehicle involved in the vehicle accident (Hall: col 3, lns 21-37, reads on "...hurried and distracted motorists...").

G. As per claim 783 Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 782, wherein the condition of the driver comprises

an effect of alcohol,

illicit drugs,

prescription drugs,

driver inattention (Hall: col 3, lns 21-37, reads on "...hurried and distracted motorists..."),

corrective lenses,

driver inexperience,

driver fatigue,

or

driver illness.

H. As per claim 784, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises human actions (Hall: col 2, ln 66 to col 3, ln 21).

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I. As per claim 785, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 784, wherein the human actions comprise

following too closely,

driving with headlights off,

driving at an unsafe speed (Hall: col 2, ln 66 to col 3, ln 21),

a sudden stop or swerve,

a failure to take evasive action,

driving with high beams on,

an improper lane change,

improper parking,



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or

improper signaling.

J. As per claim 788, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a speed limit at a location of the vehicle accident (Hall: col 2, ln 66 to col 3, ln 21).

K. As per claim 789, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

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a speed of the at least one vehicle involved in the vehicle accident (Hall: col 2, ln 66 to col 3, ln 21).

L As per claim 790, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

identification of traffic controls at a location of the vehicle accident (Hall: col 7, lns 49-58).

M. As per claim 791, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 790, wherein the traffic control is selected from the group consisting of

a red light (Hall: col 7, lns 49-58),

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a yellow light,

a green light,

a left turn arrow,

a right turn arrow,

a stop sign,

a yield sign,

a flashing red light,

a flashing yellow light,

a police officer signaling stop,

a police officer signaling proceed,

a crossing guard signaling proceed,

a crossing guard signaling stop,

a flagger signaling proceed,

a flagger signaling stop,

another person signaling proceed,

another person signaling stop,

an emergency vehicle,

and

a school bus.

N. As per claim 792 Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether traffic control devices were obeyed by the at least one vehicle involved in the vehicle accident (Hall: col 7, lns 49-58).

O. As per claim 793, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether traffic controls were defective at a location of the vehicle accident (Hall: col 13, lns 25-37).

P. As per claim 795, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

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a determination of whether roadway debris was present at a location of the vehicle accident (Hall: col 22, lns 2-27, reads on "...deactivation of Vehicle Restrictors...").

Q. As per claim 796 Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether roadway defects were present at a location of the vehicle accident (Hall: col 22, lns 2-27, reads on "...deactivation of Vehicle Restrictors...").

R. As per claim 799, Borghesi and Jernberg fail to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether occupants in the at least one vehicle involved in the vehicle accident were wearing seatbelts (Hall: col 7, Ins 16-20, reads on "...integrates...to the standard safety systems...").

S. As per claim 845 Borghesi and Jernberg fail to disclose the method of claim 753, further comprising

selecting

a roadway configuration corresponding to the vehicle accident (Hall: col 20, Ins 55-61)

and

an accident type corresponding to the vehicle (accident, see section 112 rejection above) type (Hall: col 20, In 55 to col 21, In 63),

wherein the combination of the roadway configuration and the accident type are associated with a plurality of pairs of impact points (Hall: col 21, Ins 53-63, i.e. the pairs of impact points are the front-end and back-end of the respective colliding cars in rear-end collisions).

T. As per claim 846, Borghesi discloses the method of claim 845, wherein

the proportion of liability of the insured party is based on a liability corresponding to one of the pairs of impact points (Borghesi: col 13, 15-20, i.e. the liability for the one of the repairs will depend on the cost of the impacted part, and a more expensive part will represent a higher proportion of liability.).

U. As per claim 847, the step displaying a roadway configuration and accident type are taught by Borghesi in the rejection of claim 845 above and apply to claim 847.

Borghesi further teaches

receiving a selection by a user of combinations for the vehicle accident being assessed (Borghesi: col 12, lns 14-36, i.e. combinations of damaged parts)

wherein the assessment of liability for the accident is based on the selected combination (Borghesi: col 12, lns 37-38, assessment of liability reads on "estimate" and the combination of parts is used to determine the estimate).

Borghesi (and Jernberg) fails to teach the remaining features which are taught by Hall, who discloses



displaying a plurality of combinations of

a roadway configuration (Hall: col 20, lns 55-61)

and

an accident type (Hall: col 20, ln 55 to col 21, ln 63).

V. As per claim 851, Borghesi discloses substantially all of the features of the claim, as shown in the rejection of claim 850. Furthermore, Borghesi suggests the display of a plurality of vehicles (Borghesi: col 6, lns 20-23), a plurality of claim datafiles (Borghesi: col 7) which include representations of impacted parts (Borghesi: col 6, lns 52-56).

Borghesi (and Jernberg) fails to explicitly disclose a representation of at least two vehicles, however, this feature is taught by Hall who discloses sending and displaying a photographic image to authorities (Hall: col 21, lns 52-56) of an at-least two vehicle collision (Hall: Fig 11, col 20 ln 55 to col 21, ln 63).

7. Claim 848 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi in view of Jernberg and Hall as applied to claim 847, and further in view of Official Notice.

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A. As per claim 848, the combined teachings of Borghesi, Jernberg, and Hall fail to explicitly teach this feature, however it is well known in the art as taught by the Examiner's taking of Official Notice, which teaches

the method of claim 847, wherein the display of the plurality of combinations of roadway configurations and accident types comprises

one or more indicators that one or more of the combinations is implausible (The Examiner takes Official Notice that indicators of implausible combinations are well known in the art. For instance many computer programs, such as spreadsheet programs, will give an error message if an attempt is made to divide a number or variable by zero.).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include indicators of implausible combinations within the teachings of Borghesi, Jernberg, and Hall with the motivation of not allowing a user to proceed with a process which might provide a dysfunctional result if the combination is allowed to be incorporated.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Thurs 8:30 -6 and alternate Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MG  
08/28/2006



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